

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON TRANSPORTATION

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JUNE 17, 2021
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HELD AT: REMOTE HEARING VIRTUAL ROOM 1

B E F O R E: CHAIR YDANIS RODRIGUEZ

COUNCIL MEMBERS: CHAIR YDANIS RODRIGUEZ
FERNANDO CABRERA
PETER KOO
STEVEN LEVIN
MARK LEVINE
CARLOS MENCHACA
I. DANEEK MILLER
ROBERT HOLDEN
SELVENA BROOKS-POWERS

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3 SGT. JONES: PC started.

4 SGT. SADOWSKY: According to the cloud,
5 all set.

6 SGT. PEREZ: Back up is rolling.

7 SGT. BIONDO: Thank you, and good morning
8 and welcome to today's remote New York City Council
9 hearing for the Committee on Transportation. At this
10 time, would all panelists please turn on their videos
11 for verification purposes, and please place all
12 electronic devices to vibrate or silent mode. Thank
13 you for your cooperation. Chair Rodriguez, we are
14 ready to begin.

15 CHAIR RODRIGUEZ: Thank you, Sergeant,
16 and thank you all again all the things for allowing
17 us to connect for this hearing. Good morning and
18 welcome to the Committee on Transportation, a hearing
19 to vote on proposed Intro 946-B as sponsored by
20 Council Member Lander. I'm Ydanis Rodriguez, the
21 Chair of the Committee. Proposed Intro 946-B would
22 prohibit on-call, on-call schedule for utility and
23 safety employees and require that advanced notice of
24 work schedule be given to utilities and safety work
25 employees. This Bill ensures that the men and women

2 performing critical underground infrastructure work
3 in our city are treated fairly. Proposed Intro 946-B
4 will ban the practice of all call-up scheduling for
5 utility and safety employees who locate and mark
6 underground infrastructure. The proposed Bill would
7 prohibit the employer from cancelling, changing or
8 adding work within 72 hours of the start of the shift
9 except in limited circumstances. The proposed Bill
10 would require the employer to provide a utility
11 safety employee with a written, in writing, work
12 schedule no later than 72 hours before the first
13 shift on the work schedule, to post the schedule at
14 the work location 72 hours before the beginning of
15 the scheduled hours of work, and to provide the
16 employee, at the employee's request, a written copy
17 of the work schedule for any work the prior three
18 years. I will now call on the Council Member Lander,
19 the sponsor of this legislation to give his opening
20 statement.

21 CM LANDER: Thank you so very much, Chair
22 Rodriguez. Utility and safety workers, also known as
23 underground utility locators perform really critical,
24 essential work for our city before a construction
25 project takes place, before the ground is opened up.

2 They identify where the utilities are underground and
3 mark it. Obviously, that is critical work because
4 having it marked correctly before the ground is dug
5 up can be key to preventing, you know, what could be
6 at catastrophic accident, so it's critical that they
7 can do their best to keep them safe and to keep New
8 Yorkers safe. Unfortunately, scheduling practices
9 have been that they've been allowed to be scheduled
10 at the last minute any time of day or night, and
11 we're not talking here about emergency situations,
12 when of course, people could called, but routine
13 construction work that can easily be scheduled in
14 advance and for which there is no reason to demand
15 on-call scheduling. This Council prohibited on-call
16 schedule for fast food workers and retail workers to
17 give people fair and stable schedules to know their
18 stated schedules in advance. Intro 946 will do the
19 same for utility and safety workers to give them some
20 basic protections. We're talking here about workers
21 who, uh, without organizing or just earning minimum
22 wage or barely above, I want to give real prompts to
23 the communication workers of America for working with
24 utility and safety workers to help make those jobs
25 better with dignity, with workplace protections, with

2 better pay, but we still need to provide this
3 critical protection to keep those workers safe and to
4 keep all New Yorkers safe. Thank you to the Chair,
5 thank you to my colleagues. I hope you will join me
6 in voting for Intro 946-B. Thank you so much.

7 CHAIR RODRIGUEZ: Thank you, Council
8 Member. Give me one second. Thank you. I will now
9 ask the Committee Clerk to conduct a roll call vote
10 on the proposed Bill. I recommend my colleagues to
11 vote yes on this important piece of legislation.

12 LEGISLATIVE CLERK: Matthew DiStefano,
13 Committee Clerk, Committee on Transportation, roll
14 call vote on proposed Intro 946-B. Chair Rodriguez.

15 CHAIR RODRIGUEZ: I.

16 LEGISLATIVE CLERK: Cabrera.

17 CM CABRERA: I.

18 LEGISLATIVE CLERK: Koo.

19 CM KOO: I.

20 LEGISLATIVE CLERK: Levin.

21 CM LEVIN: I.

22 LEGISLATIVE CLERK: Levine.

23 CM LEVINE: I.

24 LEGISLATIVE CLERK: Menchaca.

25 CM MENCHACA: I.

2 LEGISLATIVE CLERK: Miller.

3 CM MILLER: Permission to explain my
4 vote.

5 CHAIR RODRIGUEZ: Permission granted.

6 CM MILLER: So, while we certainly are
7 not here to debate the merits of the validity of the
8 work and what work that we've done as a Council here,
9 on behalf of fast-food workers. I do take exception
10 as does leadership in the labor movement with this
11 body attempting to legislate what those who have been
12 duly elected and trained to do which is organize
13 labor. Certainly, again, there is merit to this, but
14 there are individuals who have been duly elected to
15 do so and what we have created here, unlike in the
16 case of fast-food workers, we are creating a floor,
17 not a ceiling which ultimately has an impact, not
18 just on industry, but organized labor. I would
19 submit that it is the responsibility of this body to
20 support the right to organize and the right to
21 collect the bargain. Having been a President and
22 business agent and negotiator such, provisions of a
23 contract, it is certainly not the duty of this and
24 responsibility of this body when they have an

2 exclusive bonding agent tasked with doing that. So,
3 with that, I'll be abstaining on this. Thank you.

4 LEGISLATIVE CLERK: Holden.

5 CM HOLDEN: I vote I.

6 LEGISLATIVE CLERK: Brooks-Powers.

7 CM BROOKS-POWERS: Yes, I go on the
8 sentiment of my colleague, Council Member Miller
9 and being someone that has also been a part of
10 the labor movement, I will abstain my vote on
11 this.

12 LEGISLATIVE CLERK: Okay, by a vote of
13 seven in the affirmative, zero negative, and two
14 abstentions, the item has been adopted.

15 COMMITTEE COUNSEL: Please, please hold
16 the vote open. We're still waiting on one
17 Council Member.

18 CHAIR RODRIGUEZ: I will leave it open,
19 but I also want to clarify that this is a Bill
20 (inaudible) by the Union who represent those
21 workers, the Communications Workers of America,
22 this Bill, being a directive by them because they
23 feel that this is important for the member. I
24 don't know if Council Member Lander would like to
25

2 add something to that, but I also wanted to
3 clarify that part.

4 CM LANDER: Thank you, Chair Rodriguez,
5 that's exactly right. These workers are
6 represented and they're representatives who have
7 been duly elected as, you know, through
8 Communication Workers of America and signed a
9 collective bargaining agreement. I believe that
10 this is critical legal floor as Council Member
11 Miller speaks to that provides them an
12 opportunity to bargain for even stronger work
13 place protections. This would apply if there is
14 no collective bargaining agreement in place
15 because there are underground utility workers who
16 are no represented in this bargaining unit, but
17 it provides a floor for that collective
18 bargaining agreement, so I certainly respect the
19 words of my, of my colleague 100 percent, but
20 that is a helpful verification that this is
21 supportive by the Union that represent most of
22 these workers.

23 CHAIR RODRIGUEZ: Thank you, and I want
24 to, we will leave it open, if somebody else will
25 close it, the clerk will close it, and I also

2 want to thank Speaker Corey Johnson because this
3 thing happened, you know the Introduction and
4 carried by Council Member Lander, but all with
5 the support of the leader of the Council which is
6 our Speaker Corey Johnson, so with that ...
7 (crosstalk).

8 CM LANDER: Thank you, Chair. Thank you,
9 Chair. I share that sentiment as well.

10 CM CABRERA: Just a quick word. This is
11 Cabrera. If all possible, I'd like to start on
12 time for Governmental Operations.

13 SGT. BIONDO: We'll try to make that
14 happen, sir, we're still in Transportation at the
15 moment. We're leaving the vote open for a couple
16 more moments, so we will try to accommodate you
17 as best as possible.

18 CM CABRERA: Thank you, sir.

19 SGT. BIONDO: You're welcome.

20 CM REYNOSO: Hey, Sergeant Biondo, can
21 you hear me?

22 SGT. BIONDO: Yes, sir. I can hear you
23 loud and clear.

24 CM REYNOSO: Have we moved forward with
25 the vote?

2 SGT. BIONDO: We're still recess right
3 now for Transportation and then heading over to
4 Governmental Operations, so we're just waiting on
5 one more member.

6 CM REYNOSO: Are we recess or are we
7 holding the vote?

8 LEGISLATIVE CLERK: I'm sorry, I can, I
9 can take his vote if he is ready.

10 CM REYNOSO: Yes, that would be good.

11 LEGISLATIVE CLERK: All right,
12 continuation of roll call, Committee on
13 Transportation. Council Member Reynoso.

14 CM REYNOSO: I vote I on all.

15 LEGISLATIVE CLERK: Alright thank you.

16 JOHANNA CASTRO: Matt, could you please
17 call on Councilwoman Brooks-Powers? Her hand is
18 raised.

19 LEGISLATIVE CLERK: Council Member
20 Brooks-Powers.

21 CM BROOKS-POWERS: I wanted to circle
22 back on my vote considering clarification given
23 by Council Member Lander which was helpful to
24 give better context on it, and so I'd like to
25 switch my vote to I.

2 LEGISLATIVE CLERK: Okay, the, the update
3 vote, nine in the affirmative, zero in the
4 negative, and the one abstention. Thank you.

5 JOHANNA CASTRO: Council Member Cabrera?

6 CM CABRERA: Yes.

7 JOHANNA CASTRO: Would you be able to
8 adjourn the Transportation hearing, please?

9 CM CABRERA: Absolutely.

10 JOHANNA CASTRO: Yeah, and close out the
11 vote.

12 CM CABRERA: Hold on one second. I think
13 the Clerk has to read the final tally.

14 JOHANNA CASTRO: Oh, sorry about that,
15 thank you.

16 LEGISLATIVE CLERK: The final vote on the
17 Committee on Transportation, nine in the
18 affirmative, zero in the negative, and one
19 abstention. Thank you.

20 CM CABRERA: Thank you so much, and with
21 that we close today's Committee on
22 Transportation. Thank you so much.

23 JOHANNA CASTRO: Live has ended. Thank
24 you Council Member.

C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date July 21, 2021